

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

August 16, 2023 | 5:30 p.m.
Chandler City Council Chambers
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Chairman Heumann at 5:37 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann
Vice Chair Sherri Koshiol
Commissioner Erik Morgan
Commissioner Michael Quinn
Commissioner Jeff Velasquez
Commissioner Kyle Barichello
Commissioner Rene Lopez

Staff Attendance

Kevin Mayo, Planning Administrator
Ben Cereceres, City Planner
Harley Mehlhorn, City Planner
Mika Liburd, Associate Planner
Tulili Tuitelelapaga-Howard, Planning Intern
Thomas Allen, Assistant City Attorney
Julie San Miguel, Clerk

Pledge of Allegiance

The Pledge of Allegiance was led by Vice Chair Sherri Koshiol.

Scheduled and Unscheduled Public Appearances

Members of the audience may address any item not on the agenda. State Statute prohibits the Board or Commission from discussing an item that is not on the agenda, but the Board or Commission does listen to your concerns and has staff follow up on any questions you raise.

CHAIRMAN HEUMANN announced one speaker card was received for Item No. 5 Bottle and Bean, from Mr. Bob McCarty in favor of the project and confirmed he still wished to speak on the item. He advised that the commission would hear the speaker and Item No. 5 Bottle and Bean would remain on the Consent Agenda.

Consent Agenda and Discussion

1. July 19, 2023, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of July 19, 2023, and Regular Meeting of July 19, 2023.

2. PLH23-0011/PLH21-0069/PLT21-0046 HARRIS PLACE

Request amendment to the Kerby Property Area Plan from Rural Ranchette to Traditional Suburban Character, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for single-family residential, Preliminary Development Plan for subdivision layout and housing product, and preliminary plat for a nine (9) lot single-family subdivision. The subject site is located on approximately 3.4 acres located ¼ mile west of the southwest corner of McQueen Road and Ocotillo Road.

CHAIRMAN HEUMANN advised no formal stipulation will be added, however, the Applicant is directed to work with staff to enhance the street scape along Ocotillo to prevent massing.

Area Plan

Move Planning and Zoning Commission recommend approval of PLH23-0011 Kerby Property Area Plan amendment, as recommended Planning staff.

Rezoning

Move Planning and Zoning Commission recommend approval of Rezoning PLH21-0069 Harris Place, Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for single-family residential, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH21-0069 Harris Place for subdivision layout and housing product, subject to the conditions as recommended by Planning staff.

Preliminary Plat

Move Planning and Zoning Commission recommend approval of Preliminary Plat, PLT21-0046 Harris Place, subject to the condition as recommended by Planning staff.

Area Plan Amendment

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Area Plan Amendment to the Kerby Property Area Plan from Rural Ranchette to Traditional Suburban Character.

Rezoning

Planning staff recommends Planning and Zoning Commission move to recommend approval of Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for single-family residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Harris Place" and kept on file in the City of Chandler Planning Division, in File No. PLH21-0069, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by Chandler City Council.
2. Prior to the time of making a lot reservation or subsequent sales agreement, the homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.
3. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
4. The landscaping in all private open-spaces shall be maintained by the property owner or property owners' association, and shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within the median(s) the developer shall be required to upgrade such landscaping to meet current City Standards.
7. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

8. Minimum setbacks shall be as provided below and further detailed in the development booklet:

Building Setbacks	Front Yard: 20 ft. to garage 12 ft. to livable area Side Yards: 5 ft. & 10 ft. (aggregate of 15 ft.) Rear Yard: 25 ft. to first floor 35 ft. to second floor
Accessory Building Setbacks	Side Yard: 5 ft. & 5 ft. (aggregate of 10 ft.) Rear Yard: 10 ft.

Preliminary Development Plan

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Preliminary Development Plan, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled "Harris Place" and kept on file in the City of Chandler Planning Division, inf File No. PLH21-0069, modified by such conditions included at the time the Booklet was approved by the City of Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. The same elevation shall not be built side-by-side or directly across the street from one another.
3. The site shall be maintained in a clean and orderly manner.
4. Landscaping plans (including for open spaces, right-of-way, and street medians) and perimeter walls shall be approved by the Planning Administrator.
5. The covenants, conditions and restrictions (CC&R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcing this requirement.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. Each garage shall be pre-wired to provide 240V electric capacity necessary to accommodate future electric vehicle charging equipment.

8. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

Preliminary Plat

Planning staff recommends the Planning and Zoning Commission move to recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition

3. PLH22-0055 K9 RESORTS

Request a time extension for a Use Permit to continue the operation of an outdoor animal play area located at 1870 W. Germann Road, generally located at the northeast corner of Dobson and Germann roads.

CHAIRMAN HEUMANN advised that a stipulation was amended during the study session prior to the regular meeting. He requested staff present the amended stipulation to the commission and audience.

KEVIN MAYO PLANNING ADMINISTRATOR read aloud amended Stipulation No. 6.

Move Planning and Zoning Commission to recommend approval of Use Permit PLH22-0055 K9 Resorts for an outdoor animal play area, subject to the conditions as recommended by Planning staff.

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Use Permit, subject to the following conditions:

1. Expansion and modification beyond the approved exhibits (Site Plan, Floor Plan, Elevations and Narrative), as kept on file in Case no. PLH22-0055 K9 Resort, shall void the Use permit and require a new Use Permit application and approval, unless otherwise amended via conditions herein.
2. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
3. The site shall be maintained in a clean and orderly manner.
4. Sound shall be controlled so as to not unreasonably disturb area residents and shall not exceed the ambient noise levels as measured at the commercial property line.

5. The establishment shall provide a contact phone number of a responsible person (i.e., owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.

Note: Stipulation #6 was amended as a result of the Planning and Zoning's discussion during the study session:

6. The Use Permit shall be valid for a period of four (4) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
7. No dogs shall be left unattended in the outdoor animal play area and a staff member of the business shall always accompany any outdoor activity.

4. PLH23-0024 THE STILLERY

Move Planning and Zoning Commission continue Entertainment Use Permit PLH23-0024 The Stillery to the September 20, 2023, Planning and Zoning Commission hearing.

5. PLH23-0036 BOTTLE AND BEAN

Request Use Permit approval to expand the serving area of a Series 7 Beer and Wine Bar license and Entertainment Use Permit approval for live indoor and outdoor entertainment. The business is located at 2577 W Queen Creek Road, Suite 100, generally located west of the southwest corner of Dobson and Queen Creek roads.

BOB MCCARTY, 2511 W QUEEN CREEK ROAD shared that he and his wife, originally from Minnesota, had moved to the Gilbert and later, as empty nesters, they sought residence in Scottsdale, drawn to the downtown area, but found Chandler to be superior to both Gilbert and Scottsdale. He explained a major attraction for them was the ability to enjoy local entertainment on a Friday night or weekend morning without needing to drive, particularly to venues like The Chopshop, The Living Room, and Bottle and Bean. He mentioned how everyone likes to relax and enjoy the performers in the open spaces. He further stated the entertainment and ambiance was a primary reason they chose to settle in Chandler, even though it can be a bit lively at times. He appreciated the ongoing developments in the area and future plans for Bottle and Bean. He stated when hosting friends, they often received compliments about the uniqueness of their neighborhood, which reinforced their decision to choose Chandler over Gilbert. He expressed strong support for continuing the open music and emphasized its role in their decision to move to Chandler rather than Scottsdale.

CHAIRMAN HEUMANN thanked the speaker and confirmed there were no comments or questions from the Commission.

CHAIRMAN HEUMANN advised that an additional stipulation was added during the study session prior to the regular meeting. He requested staff present the additional stipulation to the commission and audience.

KEVIN MAYO PLANNING ADMINISTRATOR read aloud amended Stipulation No. 9.

Move Planning and Zoning Commission recommend approval of case PLH23-0036 Use Permit to expand the serving area of a Series 7 Beer and Wine Bar license and Entertainment Use Permit approval for live indoor and outdoor entertainment, subject to the conditions as recommended by Planning staff.

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Use Permit and Entertainment Use Permit, subject to the following conditions:

1. Substantial expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and Entertainment Use Permit and require new Use Permit and Entertainment Use Permit application and approval.
2. The Use Permit and Entertainment Use Permit is non-transferable to any other location.
3. The site shall be maintained in a clean and orderly manner.
4. The Entertainment Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
5. No noise shall be emitted from external speakers or live entertainment in such a manner that exceeds the general level of noise by uses outside the premises of the business and disturbs adjacent businesses and residential areas.
6. The establishment shall provide a contact phone number for a responsible person (i.e. wine bar owner and/or manager) to any interested neighbors or property owners to resolve noise complaints quickly and directly.
7. Entertainment upon the outdoor patio shall be oriented away from the adjacent residential development, including all live performances, amplifiers, speakers, or any other appurtenances thereto.
8. There shall be no amplified entertainment on the third-floor patio and entertainment therein shall be limited to acoustic performances which for the purposes of this Entertainment Use Permit shall be defined as no amplification of voice or instrument, and no use of percussion instruments.

Note: Stipulation #9 was amended as a result of the Planning and Zoning's discussion during the study session:

9. The hours to entertainment shall be limited to:
 - a. For indoor performances Monday-Sunday 9:00 a.m. -10:00 p.m.
 - b. For outdoor acoustic performances Monday-Sunday 10:00 a.m. – 9:00 p.m.
 - c. For outdoor amplified performances Monday - Friday 12:00 p.m. – 8:00 p.m. and Saturday - Sunday 12:00 p.m. – 8:00 p.m.

6. Cancellation of the September 6, 2023, Planning and Zoning Commission Hearing

Move Planning and Zoning Commission cancel September 6, 2023, Planning and Zoning Commission Hearing.

Consent Agenda Motion and Vote

COMMISSIONER LOPEZ moved to approve the Consent Agenda of the August 16, 2023, Regular Planning and Zoning Commission Meeting, with Amended Stipulation No. 6 of Consent Agenda Item No. 3 and Amended Stipulation No. 9 of Consent Agenda Item No. 5; Seconded by COMMISSIONER BARICHELLO.

Motion carried unanimously (7-0).

Member Comments/Announcements

KEVIN MAYO, PLANNING ADMINISTRATOR mentioned the September 6, 2023, Planning and Zoning Hearing will be cancelled and the subsequent meeting scheduled for September 20, 2023 is expected to be of typical length, if not slightly longer. He explained there will be a multifamily case concerning the southwest corner of Queen Creek and Arizona Avenue that is anticipated to receive input from citizens and a case involving a cell tower is also expecting to attract citizen input. He further stated a Work Session will also be scheduled before the Study Session and Regular Meeting with a substantial list of code amendments. He explained, staff is currently presenting the proposed code amendments to the City Council's Subcommittees and the next step is to present the amendments to the Planning and Zoning Commission in their original format for feedback. He stated a dedicated Work Session will be scheduled for this purpose and will tentatively set to start an hour or two before the Study Session on September 20, 2023. He recommended the Commission members note on their calendars that Planning and Zoning Commission will start earlier than its usual time on this date. He mentioned so far in the Subcommittee meetings there has been no major issues were reported during the discussions.

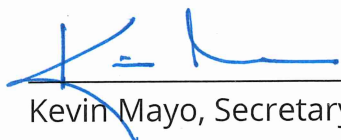
CHAIRMAN HEUMANN confirmed there were no further comments or questions from the Commissioner Members and wished everyone a happy and safe upcoming Labor Day weekend.

Calendar

The next regular meeting will be held on Wednesday, September 20, 2023, in the Chandler City Council Chambers, 88 E. Chicago Street.

Adjourn

The meeting was adjourned at 5:44 p.m.



Kevin Mayo, Secretary



Rick Heumann, Chairman